

107TH CONGRESS
1ST SESSION

S. 1319

To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. LEAHY (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “21st Century Department of Justice Appropriations Au-
6 thorization Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL
YEAR 2002

- Sec. 101. Specific sums authorized to be appropriated.
- Sec. 102. Appointment of additional Assistant United States Attorneys; reduction of certain litigation positions.
- Sec. 103. Authorization for additional Assistant United States Attorneys for project safe neighborhoods.

TITLE II—PERMANENT ENABLING PROVISIONS

- Sec. 201. Permanent authority.
- Sec. 202. Permanent authority relating to enforcement of laws.
- Sec. 203. Notifications and reports to be provided simultaneously to committees.
- Sec. 204. Miscellaneous uses of funds; technical amendments.
- Sec. 205. Technical and miscellaneous amendments to Department of Justice authorities; authority to transfer property of marginal value; recordkeeping; protection of the Attorney General.
- Sec. 206. Oversight; waste, fraud, and abuse of appropriations.
- Sec. 207. Enforcement of Federal criminal laws by Attorney General.
- Sec. 208. Counterterrorism fund.
- Sec. 209. Strengthening law enforcement in United States territories, commonwealths, and possessions.
- Sec. 210. Additional authorities of the Attorney General.

TITLE III—MISCELLANEOUS

- Sec. 301. Repealers.
- Sec. 302. Technical amendments to title 18 of the United States Code.
- Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.
- Sec. 304. Study of untested rape examination kits.
- Sec. 305. Report on DCS 1000 (“carnivore”).
- Sec. 306. Study of allocation of litigating attorneys.
- Sec. 307. Use of truth-in-sentencing and violent offender incarceration grants.
- Sec. 308. Authority of the Department of Justice Inspector General.
- Sec. 309. Report on Inspector General and Deputy Inspector General for Federal Bureau of Investigation.

TITLE IV—VIOLENCE AGAINST WOMEN

- Sec. 401. Short title.
- Sec. 402. Establishment of Violence Against Women Office.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS FOR FIS-** 3 **CAL YEAR 2002**

4 **SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPRO-** 5 **PRIATED.**

6 There are authorized to be appropriated for fiscal
7 year 2002, to carry out the activities of the Department

1 of Justice (including any bureau, office, board, division,
2 commission, subdivision, unit, or other component there-
3 of), the following sums:

4 (1) GENERAL ADMINISTRATION.—For General
5 Administration: \$93,433,000.

6 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
7 For Administrative Review and Appeals:
8 \$178,499,000 for administration of pardon and
9 clemency petitions and for immigration-related ac-
10 tivities.

11 (3) OFFICE OF INSPECTOR GENERAL.—For the
12 Office of Inspector General: \$55,000,000, which
13 shall include for each such fiscal year, not to exceed
14 \$10,000 to meet unforeseen emergencies of a con-
15 fidential character.

16 (4) GENERAL LEGAL ACTIVITIES.—For General
17 Legal Activities: \$566,822,000, which shall include
18 for each such fiscal year—

19 (A) not less than \$4,000,000 for the inves-
20 tigation and prosecution of denaturalization and
21 deportation cases involving alleged Nazi war
22 criminals;

23 (B) not less than \$10,000,000 for the in-
24 vestigation and prosecution of intellectual prop-
25 erty crimes, including software counterfeiting

1 crimes and crimes identified in the No Elec-
2 tronic Theft (NET) Act (Public Law 105–147);
3 and

4 (C) not to exceed \$20,000 to meet unfore-
5 seen emergencies of a confidential character.

6 (5) ANTITRUST DIVISION.—For the Antitrust
7 Division: \$140,973,000.

8 (6) UNITED STATES ATTORNEYS.—For United
9 States Attorneys: \$1,346,289,000.

10 (7) FEDERAL BUREAU OF INVESTIGATION.—
11 For the Federal Bureau of Investigation:
12 \$3,507,109,000, which shall include for each such
13 fiscal year—

14 (A) not to exceed \$1,250,000 for construc-
15 tion, to remain available until expended; and

16 (B) not to exceed \$70,000 to meet unfore-
17 seen emergencies of a confidential character.

18 (8) UNITED STATES MARSHALS SERVICE.—For
19 the United States Marshals Service: \$626,439,000,
20 which shall include for each such fiscal year not to
21 exceed \$6,621,000 for construction, to remain avail-
22 able until expended.

23 (9) FEDERAL PRISON SYSTEM.—For the Fed-
24 eral Prison System, including the National Institute
25 of Corrections: \$4,662,710,000.

1 (10) FEDERAL PRISONER DETENTION.—For
2 the support of United States prisoners in non-Fed-
3 eral institutions, as authorized by section 4013(a) of
4 title 18 of the United States Code: \$724,682,000, to
5 remain available until expended.

6 (11) DRUG ENFORCEMENT ADMINISTRATION.—
7 For the Drug Enforcement Administration:
8 \$1,480,929,000, which shall include not to exceed
9 \$70,000 to meet unforeseen emergencies of a con-
10 fidential character.

11 (12) IMMIGRATION AND NATURALIZATION
12 SERVICE.—For the Immigration and Naturalization
13 Service: \$3,516,411,000, which shall include—

14 (A) not to exceed \$2,737,341,000 for sala-
15 ries and expenses of enforcement and border af-
16 fairs (i.e., the Border Patrol, deportation, intel-
17 ligence, investigations, and inspection programs,
18 and the detention program);

19 (B) not to exceed \$650,660,000 for sala-
20 ries and expenses of citizenship and benefits
21 (i.e., programs not included under subpara-
22 graph (A));

23 (C) for each such fiscal year, not to exceed
24 \$128,410,000 for construction, to remain avail-
25 able until expended; and

1 (D) not to exceed \$50,000 to meet unfore-
2 seen emergencies of a confidential character.

3 (13) FEES AND EXPENSES OF WITNESSES.—
4 For Fees and Expenses of Witnesses: \$156,145,000
5 to remain available until expended, which shall in-
6 clude for each such fiscal year not to exceed
7 \$6,000,000 for construction of protected witness
8 safesites.

9 (14) INTERAGENCY CRIME AND DRUG EN-
10 FORCEMENT.—For Interagency Crime and Drug
11 Enforcement: \$338,106,000, for expenses not other-
12 wise provided for, for the investigation and prosecu-
13 tion of persons involved in organized crime drug
14 trafficking, except that any funds obligated from ap-
15 propriations authorized by this paragraph may be
16 used under authorities available to the organizations
17 reimbursed from such funds.

18 (15) FOREIGN CLAIMS SETTLEMENT COMMIS-
19 SION.—For the Foreign Claims Settlement Commis-
20 sion: \$1,130,000.

21 (16) COMMUNITY RELATIONS SERVICE.—For
22 the Community Relations Service: \$9,269,000.

23 (17) ASSETS FORFEITURE FUND.—For the As-
24 sets Forfeiture Fund: \$22,949,000 for expenses au-

1 thorized by section 524 of title 28, United States
2 Code.

3 (18) UNITED STATES PAROLE COMMISSION.—
4 For the United States Parole Commission:
5 \$10,862,000.

6 (19) FEDERAL DETENTION TRUSTEE.—For the
7 necessary expenses of the Federal Detention Trust-
8 ee: \$1,718,000.

9 (20) JOINT AUTOMATED BOOKING SYSTEM.—
10 For expenses necessary for the operation of the
11 Joint Automated Booking System: \$15,957,000.

12 (21) NARROWBAND COMMUNICATIONS.—For
13 the costs of conversion to narrowband communica-
14 tions, including the cost for operation and mainte-
15 nance of Land Mobile Radio legacy systems:
16 \$104,606,000.

17 (22) RADIATION EXPOSURE COMPENSATION.—
18 For administrative expenses in accordance with the
19 Radiation Exposure Compensation Act: \$1,996,000.

20 (23) COUNTERTERRORISM FUND.—For the
21 Counterterrorism Fund for necessary expenses, as
22 determined by the Attorney General: \$4,989,000.

23 (24) OFFICE OF JUSTICE PROGRAMS.—For ad-
24 ministrative expenses not otherwise provided for, of
25 the Office of Justice Programs: \$116,369,000.

1 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**
2 **UNITED STATES ATTORNEYS; REDUCTION OF**
3 **CERTAIN LITIGATION POSITIONS.**

4 (a) APPOINTMENTS.—Not later than September 30,
5 2003, the Attorney General may exercise authority under
6 section 542 of title 28, United States Code, to appoint
7 200 assistant United States attorneys in addition to the
8 number of assistant United States attorneys serving on
9 the date of the enactment of this Act.

10 (b) SELECTION OF APPOINTEES.—Individuals first
11 appointed under subsection (a) may be appointed from
12 among attorneys who are incumbents of 200 full-time liti-
13 gation positions in divisions of the Department of Justice
14 and whose official duty station is at the seat of Govern-
15 ment.

16 (c) TERMINATION OF POSITIONS.—Each of the 200
17 litigation positions that become vacant by reason of an ap-
18 pointment made in accordance with subsections (a) and
19 (b) shall be terminated at the time the vacancy arises.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

1 **SEC. 103. AUTHORIZATION FOR ADDITIONAL ASSISTANT**
 2 **UNITED STATES ATTORNEYS FOR PROJECT**
 3 **SAFE NEIGHBORHOODS.**

4 (a) IN GENERAL.—The Attorney General shall estab-
 5 lish a program for each United States Attorney to provide
 6 for coordination with State and local law enforcement offi-
 7 cials in the identification and prosecution of violations of
 8 Federal firearms laws including school gun violence and
 9 juvenile gun offenses.

10 (b) AUTHORIZATION FOR HIRING 94 ADDITIONAL
 11 ASSISTANT UNITED STATES ATTORNEYS.—There are au-
 12 thorized to be appropriated to carry out this section
 13 \$9,000,000 for fiscal year 2002 to hire an additional As-
 14 sistant United States Attorney in each United States At-
 15 torney Office.

16 **TITLE II—PERMANENT**
 17 **ENABLING PROVISIONS**

18 **SEC. 201. PERMANENT AUTHORITY.**

19 (a) IN GENERAL.—Chapter 31 of title 28, United
 20 States Code, is amended by adding at the end the fol-
 21 lowing:

22 **“§ 530C. Authority to use available funds**

23 “(a) IN GENERAL.—Except to the extent provided
 24 otherwise by law, the activities of the Department of Jus-
 25 tice (including any bureau, office, board, division, commis-
 26 sion, subdivision, unit, or other component thereof) may,

1 in the reasonable discretion of the Attorney General, be
2 carried out through any means, including—

3 “(1) through the Department’s own personnel,
4 acting within, from, or through the Department
5 itself;

6 “(2) by sending or receiving details of personnel
7 to other branches or agencies of the Federal Govern-
8 ment, on a reimbursable, partially-reimbursable, or
9 nonreimbursable basis;

10 “(3) through reimbursable agreements with
11 other Federal agencies for work, materials, or equip-
12 ment;

13 “(4) through contracts, grants, or cooperative
14 agreements with non-Federal parties; and

15 “(5) as provided in subsection (b), in section
16 524, and in any other provision of law consistent
17 herewith, including, without limitation, section
18 102(b) of Public Law 102–395 (106 Stat. 1838), as
19 incorporated by section 815(d) of Public Law 104–
20 132 (110 Stat. 1315).

21 “(b) PERMITTED USES.—

22 “(1) GENERAL PERMITTED USES.—Funds
23 available to the Attorney General (i.e., all funds
24 available to carry out the activities described in sub-

1 section (a)) may be used, without limitation, for the
2 following:

3 “(A) The purchase, lease, maintenance,
4 and operation of passenger motor vehicles, or
5 police-type motor vehicles for law enforcement
6 purposes, without regard to general purchase
7 price limitation for the then-current fiscal year.

8 “(B) The purchase of insurance for motor
9 vehicles, boats, and aircraft operated in official
10 Government business in foreign countries.

11 “(C) Services of experts and consultants,
12 including private counsel, as authorized by sec-
13 tion 3109 of title 5, and at rates of pay for in-
14 dividuals not to exceed the maximum daily rate
15 payable from time to time under section 5332
16 of title 5.

17 “(D) Official reception and representation
18 expenses (i.e., official expenses of a social na-
19 ture intended in whole or in predominant part
20 to promote goodwill toward the Department or
21 its missions, but excluding expenses of public
22 tours of facilities of the Department of Justice),
23 in accordance with distributions and procedures
24 established, and rules issued, by the Attorney

1 General, and expenses of public tours of facili-
2 ties of the Department of Justice.

3 “(E) Unforeseen emergencies of a con-
4 fidential character, to be expended under the di-
5 rection of the Attorney General and accounted
6 for solely on the certificate of the Attorney Gen-
7 eral.

8 “(F) Miscellaneous and emergency ex-
9 penses authorized or approved by the Attorney
10 General, the Deputy Attorney General, the As-
11 sociate Attorney General, or the Assistant At-
12 torney General for Administration.

13 “(G) In accordance with procedures estab-
14 lished and rules issued by the Attorney
15 General—

16 “(i) attendance at meetings and semi-
17 nars;

18 “(ii) conferences and training; and

19 “(iii) advances of public moneys under
20 section 3324 of title 31: *Provided, That*
21 travel advances of such moneys to law en-
22 forcement personnel engaged in undercover
23 activity shall be considered to be public
24 money for purposes of section 3527 of title
25 31.

1 “(H) Contracting with individuals for per-
2 sonal services abroad, except that such individ-
3 uals shall not be regarded as employees of the
4 United States for the purpose of any law ad-
5 ministered by the Office of Personnel Manage-
6 ment.

7 “(I) Payment of interpreters and trans-
8 lators who are not citizens of the United States,
9 in accordance with procedures established and
10 rules issued by the Attorney General.

11 “(J) Expenses or allowances for uniforms
12 as authorized by section 5901 of title 5, but
13 without regard to the general purchase price
14 limitation for the then-current fiscal year.

15 “(K) Expenses of—

16 “(i) primary and secondary schooling
17 for dependents of personnel stationed out-
18 side the continental United States at cost
19 not in excess of those authorized by the
20 Department of Defense for the same area,
21 when it is determined by the Attorney
22 General that schools available in the local-
23 ity are unable to provide adequately for the
24 education of such dependents; and

1 “(ii) transportation of those depend-
2 ents between their place of residence and
3 schools serving the area which those de-
4 pendents would normally attend when the
5 Attorney General, under such regulations
6 as he may prescribe, determines that such
7 schools are not accessible by public means
8 of transportation.

9 “(2) SPECIFIC PERMITTED USES.—

10 “(A) AIRCRAFT AND BOATS.—Funds avail-
11 able to the Attorney General for United States
12 Attorneys, for the Federal Bureau of Investiga-
13 tion, for the United States Marshals Service,
14 for the Drug Enforcement Administration, and
15 for the Immigration and Naturalization Service
16 may be used for the purchase, lease, mainte-
17 nance, and operation of aircraft and boats, for
18 law enforcement purposes.

19 “(B) PURCHASE OF AMMUNITION AND
20 FIREARMS; FIREARMS COMPETITIONS.—Funds
21 available to the Attorney General for United
22 States Attorneys, for the Federal Bureau of In-
23 vestigation, for the United States Marshals
24 Service, for the Drug Enforcement Administra-
25 tion, for the Federal Prison System, for the Of-

1 fice of the Inspector General, and for the Immi-
2 gration and Naturalization Service may be used
3 for—

4 “(i) the purchase of ammunition and
5 firearms; and

6 “(ii) participation in firearms com-
7 petitions.

8 “(C) CONSTRUCTION.—Funds available to
9 the Attorney General for construction may be
10 used for expenses of planning, designing, ac-
11 quiring, building, constructing, activating, ren-
12 ovating, converting, expanding, extending, re-
13 modeling, equipping, repairing, or maintaining
14 buildings or facilities, including the expenses of
15 acquisition of sites therefor, and all necessary
16 expenses incident or related thereto; but the
17 foregoing shall not be construed to mean that
18 funds generally available for salaries and ex-
19 penses are not also available for certain inci-
20 dental or minor construction, activation, remod-
21 eling, maintenance, and other related construc-
22 tion costs.

23 “(3) FEES AND EXPENSES OF WITNESSES.—

24 Funds available to the Attorney General for fees and
25 expenses of witnesses may be used for—

1 “(A) expenses, mileage, compensation, pro-
 2 tection, and per diem in lieu of subsistence, of
 3 witnesses (including advances of public money)
 4 and as authorized by section 1821 or other law,
 5 except that no witness may be paid more than
 6 1 attendance fee for any 1 calendar day;

7 “(B) fees and expenses of neutrals in alter-
 8 native dispute resolution proceedings, where the
 9 Department of Justice is a party; and

10 “(C) construction of protected witness
 11 safesites.

12 “(4) FEDERAL BUREAU OF INVESTIGATION.—
 13 Funds available to the Attorney General for the
 14 Federal Bureau of Investigation for the detection,
 15 investigation, and prosecution of crimes against the
 16 United States may be used for the conduct of all its
 17 authorized activities.

18 “(5) IMMIGRATION AND NATURALIZATION
 19 SERVICE.—Funds available to the Attorney General
 20 for the Immigration and Naturalization Service may
 21 be used for—

22 “(A) acquisition of land as sites for en-
 23 forcement fences, and construction incident to
 24 such fences;

1 “(B) cash advances to aliens for meals and
2 lodging en route;

3 “(C) refunds of maintenance bills, immi-
4 gration fines, and other items properly return-
5 able, except deposits of aliens who become pub-
6 lic charges and deposits to secure payment of
7 fines and passage money; and

8 “(D) expenses and allowances incurred in
9 tracking lost persons, as required by public ex-
10 igencies, in aid of State or local law enforce-
11 ment agencies.

12 “(6) FEDERAL PRISON SYSTEM.—Funds avail-
13 able to the Attorney General for the Federal Prison
14 System may be used for—

15 “(A) inmate medical services and inmate
16 legal services, within the Federal prison system;

17 “(B) the purchase and exchange of farm
18 products and livestock;

19 “(C) the acquisition of land as provided in
20 section 4010 of title 18; and

21 “(D) the construction of buildings and fa-
22 cilities for penal and correctional institutions
23 (including prison camps), by contract or force
24 account, including the payment of United

1 States prisoners for their work performed in
2 any such construction;
3 except that no funds may be used to distribute or
4 make available to a prisoner any commercially pub-
5 lished information or material that is sexually ex-
6 plicit or features nudity.

7 “(7) DETENTION TRUSTEE.—Funds available
8 to the Attorney General for the Detention Trustee
9 may be used for all the activities of such Trustee in
10 the exercise of all power and functions authorized by
11 law relating to the detention of Federal prisoners in
12 non-Federal institutions or otherwise in the custody
13 of the United States Marshals Service and to the de-
14 tention of aliens in the custody of the Immigration
15 and Naturalization Service, including the overseeing
16 of construction of detention facilities or for housing
17 related to such detention, the management of funds
18 appropriated to the Department for the exercise of
19 detention functions, and the direction of the United
20 States Marshals Service and Immigration Service
21 with respect to the exercise of detention policy set-
22 ting and operations for the Department of Justice.

23 “(c) RELATED PROVISIONS.—

24 “(1) LIMITATION OF COMPENSATION OF INDIVIDUALS
25 EMPLOYED AS ATTORNEYS.—No funds

1 available to the Attorney General may be used to
 2 pay compensation for services provided by an indi-
 3 vidual employed as an attorney (other than an indi-
 4 vidual employed to provide services as a foreign at-
 5 torney in special cases) unless such individual is duly
 6 licensed and authorized to practice as an attorney
 7 under the law of a State, a territory of the United
 8 States, or the District of Columbia.

9 “(2) REIMBURSEMENTS PAID TO GOVERN-
 10 MENTAL ENTITIES.—Funds available to the Attor-
 11 ney General that are paid as reimbursement to a
 12 governmental unit of the Department of Justice, to
 13 another Federal entity, or to a unit of State or local
 14 government, may be used under authorities available
 15 to the unit or entity receiving such reimbursement.”.

16 (b) CONFORMING AMENDMENT.—The table of sec-
 17 tions of chapter 31 of title 28, United States Code, is
 18 amended by adding at the end the following:

“530C. Authority to use available funds.”.

19 **SEC. 202. PERMANENT AUTHORITY RELATING TO EN-**
 20 **FORCEMENT OF LAWS.**

21 (a) IN GENERAL.—Chapter 31 of title 28, United
 22 States Code (as amended by section 201), is amended by
 23 adding at the end the following:

24 **“§ 530D. Report on enforcement of laws**

25 “(a) REPORT.—

1 “(1) IN GENERAL.—The Attorney General shall
2 submit to the Congress a report of any instance in
3 which the Attorney General or any officer of the De-
4 partment of Justice—

5 “(A) establishes or implements a formal or
6 informal policy to refrain—

7 “(i) from enforcing, applying, or ad-
8 ministering any provision of any Federal
9 statute, rule, regulation, program, policy,
10 or other law whose enforcement, applica-
11 tion, or administration is within the re-
12 sponsibility of the Attorney General or
13 such officer on the grounds that such pro-
14 vision is unconstitutional; or

15 “(ii) within any judicial jurisdiction of
16 or within the United States, from adhering
17 to, enforcing, applying, or complying with,
18 any standing rule of decision (binding
19 upon courts of, or inferior to those of, that
20 jurisdiction) established by a final decision
21 of any court of, or superior to those of,
22 that jurisdiction, respecting the interpreta-
23 tion, construction, or application of the
24 Constitution or of any statute, rule, regula-
25 tion, program, policy, or other law whose

1 enforcement, application, or administration
2 is within the responsibility of the Attorney
3 General or such officer;

4 “(B) determines—

5 “(i) to contest affirmatively, in any
6 judicial, administrative, or other pro-
7 ceeding, the constitutionality of any provi-
8 sion of any Federal statute, rule, regula-
9 tion, program, policy, or other law; or

10 “(ii) to refrain from defending or as-
11 serting, in any judicial, administrative, or
12 other proceeding, the constitutionality of
13 any provision of any Federal statute, rule,
14 regulation, program, policy, or other law,
15 or not to appeal or request review of any
16 judicial, administrative, or other deter-
17 mination adversely affecting the constitu-
18 tionality of any such provision; or

19 “(C) approves (other than in circumstances
20 in which a report is submitted to the Joint
21 Committee on Taxation, pursuant to section
22 6405 of the Internal Revenue Code of 1986)
23 the settlement or compromise (other than in
24 bankruptcy) of any claim, suit, or other
25 action—

1 “(i) against the United States (includ-
2 ing any agency or instrumentality thereof)
3 for a sum that exceeds, or is likely to ex-
4 ceed, \$2,000,000; or

5 “(ii) by the United States (including
6 any agency or instrumentality thereof)
7 pursuant to an agreement, consent decree,
8 or order (or pursuant to any modification
9 of an agreement, consent decree, or order)
10 that provides injunctive or other nonmone-
11 tary relief that exceeds, or is likely to ex-
12 ceed, 3 years in duration.

13 “(2) SUBMISSION OF REPORT TO THE CON-
14 GRESS.—For the purposes of paragraph (1), a re-
15 port shall be considered to be submitted to the Con-
16 gress if the report is submitted to—

17 “(A) the majority leader and minority
18 leader of the Senate;

19 “(B) the Speaker, majority leader, and mi-
20 nority leader of the House of Representatives;

21 “(C) the chairman and ranking minority
22 member of the Committee on the Judiciary of
23 the House of Representatives and the chairman
24 and ranking minority member of the Committee
25 on the Judiciary of the Senate; and

1 “(D) the Senate Legal Counsel and the
2 General Counsel of the House of Representa-
3 tives.

4 “(b) DEADLINE.—A report shall be submitted—

5 “(1) under subsection (a)(1)(A), not later than
6 30 days after the establishment or implementation
7 of each policy;

8 “(2) under subsection (a)(1)(B), within such
9 time as will reasonably enable the House of Rep-
10 resentatives and the Senate to take action, sepa-
11 rately or jointly, to intervene in timely fashion in the
12 proceeding, but in no event later than 30 days after
13 the making of each determination; and

14 “(3) under subsection (a)(1)(C), not later than
15 30 days after the conclusion of each fiscal-year quar-
16 ter, with respect to all approvals occurring in such
17 quarter.

18 “(c) CONTENTS.—A report required by subsection (a)
19 shall—

20 “(1) specify the date of the establishment or
21 implementation of the policy described in subsection
22 (a)(1)(A), of the making of the determination de-
23 scribed in subsection (a)(1)(B), or of each approval
24 described in subsection (a)(1)(C);

1 “(2) include a complete and detailed statement
2 of the relevant issues and background (including a
3 complete and detailed statement of the reasons for
4 the policy or determination, and the identity of the
5 officer responsible for establishing or implementing
6 such policy, making such determination, or approv-
7 ing such settlement or compromise), except that—

8 “(A) such details may be omitted as may
9 be absolutely necessary to prevent improper dis-
10 closure of national-security- or classified infor-
11 mation, or of any information subject to the de-
12 liberative-process-, executive-, attorney-work-
13 product-, or attorney-client privileges, if the fact
14 of each such omission (and the precise ground
15 or grounds therefor) is clearly noted in the
16 statement: Provided, That this subparagraph
17 shall not be construed to deny to the Congress
18 (including any House, Committee, or agency
19 thereof) any such omitted details (or related in-
20 formation) that it lawfully may seek, subse-
21 quent to the submission of the report; and

22 “(B) the requirements of this paragraph
23 shall be deemed satisfied—

24 “(i) in the case of an approval de-
25 scribed in subsection (a)(1)(C)(i), if an

1 unredacted copy of the entire settlement
2 agreement and consent decree or order (if
3 any) is provided, along with a statement
4 indicating the legal and factual basis or
5 bases for the settlement or compromise (if
6 not apparent on the face of documents pro-
7 vided); and

8 “(ii) in the case of an approval de-
9 scribed in subsection (a)(1)(C)(ii), if an
10 unredacted copy of the entire settlement
11 agreement and consent decree or order (if
12 any) is provided, along with a statement
13 indicating the injunctive or other nonmone-
14 tary relief (if not apparent on the face of
15 documents provided); and

16 “(3) in the case of a determination described in
17 subsection (a)(1)(B) or an approval described in
18 subsection (a)(1)(C), indicate the nature, tribunal,
19 identifying information, and status of the pro-
20 ceeding, suit, or action.

21 “(d) DECLARATION.—In the case of a determination
22 described in subsection (a)(1)(B), the representative of the
23 United States participating in the proceeding shall make
24 a clear declaration in the proceeding that any position ex-
25 pressed as to the constitutionality of the provision involved

1 is the position of the executive branch of the Federal Gov-
 2 ernment (or, as applicable, of the President or of any exec-
 3 utive agency or military department).

4 “(e) APPLICABILITY TO THE PRESIDENT AND TO EX-
 5 ECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The
 6 reporting, declaration, and other provisions of this section
 7 relating to the Attorney General and other officers of the
 8 Department of Justice shall apply to the President, to the
 9 head of each executive agency or military department (as
 10 defined, respectively, in sections 105 and 102 of title 5,
 11 United States Code) that establishes or implements a pol-
 12 icy described in subsection (a)(1)(A) or is authorized to
 13 conduct litigation, and to the officers of such executive
 14 agency.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) The table of sections for chapter 31 of title
 17 28, United States Code (as amended by section
 18 201), is amended by adding at the end the following:

“530D. Report on enforcement of laws.”.

19 (2) Section 712 of Public Law 95–521 (92
 20 Stat. 1883) is amended by striking subsection (b).

21 (3) Not later than 30 days after the date of the
 22 enactment of this Act, the President shall advise the
 23 head of each executive agency or military depart-
 24 ment (as defined, respectively, in sections 105 and

1 102 of title 5, United States Code) of the enactment
2 of this section.

3 (4)(A) Not later than 90 days after the date of
4 the enactment of this Act, the Attorney General
5 (and, as applicable, the President, and the head of
6 any executive agency or military department de-
7 scribed in subsection (e) of section 530D of title 28,
8 United States Code, as added by subsection (a))
9 shall submit to Congress a report (in accordance
10 with subsections (a), (c), and (e) of such section)
11 on—

12 (i) all policies of which the Attorney Gen-
13 eral and applicable official are aware described
14 in subsection (a)(1)(A) of such section that
15 were established or implemented before the date
16 of the enactment of this Act and were in effect
17 on such date; and

18 (ii) all determinations of which the Attor-
19 ney General and applicable official are aware
20 described in subsection (a)(1)(B) of such sec-
21 tion that were made before the date of the en-
22 actment of this Act and were in effect on such
23 date.

24 (B) If a determination described in subpara-
25 graph (A)(ii) relates to any judicial, administrative,

1 or other proceeding that is pending in the 90-day
2 period beginning on the date of the enactment of
3 this Act, with respect to any such determination,
4 then the report required by this paragraph shall be
5 submitted within such time as will reasonably enable
6 the House of Representatives and the Senate to take
7 action, separately or jointly, to intervene in timely
8 fashion in the proceeding, but not later than 30 days
9 after the date of the enactment of this Act.

10 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**
11 **SIMULTANEOUSLY TO COMMITTEES.**

12 If the Attorney General or any officer of the Depart-
13 ment of Justice (including any bureau, office, board, divi-
14 sion, commission, subdivision, unit, or other component
15 thereof) is required by any Act (which shall be understood
16 to include any request or direction contained in any report
17 of a committee of the Congress relating to an appropria-
18 tions Act or in any statement of managers accompanying
19 any conference report agreed to by the Congress) to pro-
20 vide a notice or report to any committee or subcommittee
21 of the Congress (other than both the Committee on the
22 Judiciary of the House of Representatives and the Com-
23 mittee on the Judiciary of the Senate), then such Act shall
24 be deemed to require that a copy of such notice or report
25 be provided simultaneously to the Committee on the Judi-

ciary of the House of Representatives and the Committee
on the Judiciary of the Senate.

**SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL
AMENDMENTS.**

(a) BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 504(a) by striking “502” and inserting “501(b)”;

(2) in section 506(a)(1) by striking “participating”;

(3) in section 510(a)(3) by striking “502” and inserting “501(b)”;

(4) in section 510 by adding at the end the following:

“(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.”; and

(5) in section 511 by striking “503” and inserting “501(b)”.

1 (b) ATTORNEYS SPECIALLY RETAINED BY THE AT-
 2 TORNEY GENERAL.—The 3d sentence of section 515(b) of
 3 title 28, United States Code, is amended by striking “at
 4 not more than \$12,000”.

5 **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**
 6 **TO DEPARTMENT OF JUSTICE AUTHORITIES;**
 7 **AUTHORITY TO TRANSFER PROPERTY OF**
 8 **MARGINAL VALUE; RECORDKEEPING; PRO-**
 9 **TECTION OF THE ATTORNEY GENERAL.**

10 (a) Section 524 of title 28, United States Code, is
 11 amended—

12 (1) in subsection (a) by inserting “to the Attor-
 13 ney General” after “available”;

14 (2) in paragraph (c)(1)—

15 (A) by striking the semicolon at the end of
 16 the 1st subparagraph (I) and inserting a pe-
 17 riod;

18 (B) by striking the 2d subparagraph (I);

19 and

20 (C) by striking “fund” in the 3d sentence
 21 following the 2d subparagraph (I) and inserting
 22 “Fund”;

23 (3) in paragraph (c)(2)—

24 (A) by striking “for information” each
 25 place it appears; and

1 (B) by striking “\$250,000” the 2d and 3d
2 places it appears and inserting “\$500,000”;

3 (4) in paragraph (c)(3) by striking “(F)” and
4 inserting “(G)”;

5 (5) in paragraph (c)(5) by striking “Fund
6 which” and inserting “Fund, that”; and

7 (6) in subsection (c)(9)(B)—

8 (A) by striking “year 1997” and inserting
9 “years 2002 and 2003”; and

10 (B) by striking “Such transfer shall not”
11 and inserting “Each such transfer shall be sub-
12 ject to satisfaction by the recipient involved of
13 any outstanding lien against the property trans-
14 ferred, but no such transfer shall”.

15 (b) Section 522 of title 28, United States Code, is
16 amended by inserting “(a)” before “The”, and by insert-
17 ing at the end the following:

18 “(b) With respect to any data, records, or other infor-
19 mation acquired, collected, classified, preserved, or pub-
20 lished by the Attorney General for any statistical, re-
21 search, or other aggregate reporting purpose beginning
22 not later than 1 year after the date of enactment of 21st
23 Century Department of Justice Appropriations Authoriza-
24 tion Act and continuing thereafter, and notwithstanding
25 any other provision of law, the same criteria shall be used

1 (and shall be required to be used, as applicable) to classify
2 or categorize offenders and victims (in the criminal con-
3 text), and to classify or categorize actors and acted upon
4 (in the noncriminal context).”.

5 (c) Section 534(a)(3) of title 28, United States Code,
6 is amended by adding “and” after the semicolon.

7 (d) Section 509(3) of title 28, United States Code,
8 is amended by striking the 2d period.

9 (e) Section 533 of title 28, United States Code, is
10 amended—

11 (1) by redesignating paragraph (3) as para-
12 graph (4); and

13 (2) by adding after paragraph (2) a new para-
14 graph as follows:

15 “(3) to assist in the protection of the person of
16 the Attorney General.”.

17 (f) Hereafter, no compensation or reimbursement
18 paid pursuant to section 501(a) of Public Law 99–603
19 (100 Stat. 3443) or section 241(i) of the Act of June 27,
20 1952 (ch. 477) shall be subject to section 6503(d) of title
21 31, United States Code, and no funds available to the At-
22 torney General may be used to pay any assessment made
23 pursuant to such section 6503 with respect to any such
24 compensation or reimbursement.

1 (g) Section 108 of Public Law 103–121 (107 Stat.
 2 1164) is amended by replacing “three” with “six”, by re-
 3 placing “only” with “, first,”, and by replacing “litiga-
 4 tion.” with “litigation, and, thereafter, for financial sys-
 5 tems, and other personnel, administrative, and litigation
 6 expenses of debt collection activities.”.

7 **SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF AP-**
 8 **PROPRIATIONS.**

9 (a) Section 529 of title 28, United States Code, is
 10 amended by inserting “(a)” before “Beginning”, and by
 11 adding at the end the following:

12 “(b) Notwithstanding any provision of law limiting
 13 the amount of management or administrative expenses,
 14 the Attorney General shall, not later than May 2, 2003,
 15 and of every year thereafter, prepare and provide to the
 16 Committees on the Judiciary and Appropriations of each
 17 House of the Congress using funds available for the under-
 18 lying programs—

19 “(1) a report identifying and describing every
 20 grant, cooperative agreement, or programmatic serv-
 21 ices contract that was made, entered into, awarded,
 22 or extended, in the immediately preceding fiscal
 23 year, by or on behalf of the Office of Justice Pro-
 24 grams (including any component or unit thereof, and
 25 the Office of Community Oriented Policing Serv-

1 ices), and including, without limitation, for each
2 such grant, cooperative agreement, or contract: the
3 term, the dollar amount or value, a complete and de-
4 tailed description of its specific purpose or purposes,
5 the names of all parties, the names of each unsuc-
6 cessful applicant or bidder (and a complete and de-
7 tailed description of the specific purpose or purposes
8 proposed of the application or bid), except that such
9 description may be summary with respect to each
10 application or bid having a total value of less than
11 \$350,000; and

12 “(2) a report identifying and reviewing every
13 grant, cooperative agreement, or programmatic serv-
14 ices contract made, entered into, awarded, or ex-
15 tended after October 1, 2002, by or on behalf of the
16 Office of Justice Programs (including any compo-
17 nent or unit thereof, and the Office of Community
18 Oriented Policing Services) that was closed out or
19 that otherwise ended in the immediately preceding
20 fiscal year (or even if not yet closed out, was termi-
21 nated or otherwise ended in the fiscal year that
22 ended 2 years before the end of such immediately
23 preceding fiscal year), and including, without limita-
24 tion, for each such grant, cooperative agreement, or
25 contract: a complete and detailed description of how

1 the appropriated funds involved actually were spent,
2 complete and detailed statistics relating to its per-
3 formance, its specific purpose or purposes, and its
4 effectiveness, and a written declaration by each non-
5 Federal grantee and each non-Federal party to such
6 agreement or to such contract, that—

7 “(A) the appropriated funds were spent for
8 such purpose or purposes, and only such pur-
9 pose or purposes;

10 “(B) the terms of the grant, cooperative
11 agreement, or contract were complied with; and

12 “(C) all documentation necessary for con-
13 ducting a full and proper audit under generally
14 accepted accounting principles, and any (addi-
15 tional) documentation that may have been re-
16 quired under the grant, cooperative agreement,
17 or contract, have been kept in orderly fashion
18 and will be preserved for not less than 3 years
19 from the date of such close out, termination, or
20 end;

21 except that the requirement of this paragraph shall
22 be deemed satisfied with respect to any such descrip-
23 tion, statistics, or declaration if such non-Federal
24 grantee or such non-Federal party shall have failed
25 to provide the same to the Attorney General, and

1 the Attorney General notes the fact of such failure
2 and the name of such grantee or such party in the
3 report.”.

4 (b) Section 1913 of title 18, United States Code, is
5 amended by striking “to favor” and inserting “a jurisdic-
6 tion, or an official of any government, to favor, adopt,”
7 by inserting “, law, ratification, policy,” after “legislation”
8 every place it appears, by striking “by Congress” the 2d
9 place it appears, by inserting “or such official” before “,
10 through the proper”, by inserting “, measure,” before “or
11 resolution”, by striking “Members of Congress on the re-
12 quest of any Member” and inserting “any such Member
13 or official, at his request,” by striking “for legislation”
14 and inserting “for any legislation”.

15 (c) Section 1516(a) of title 18, United States Code,
16 is amended by inserting “, entity, or program” after “per-
17 son”, and by inserting “grant, or cooperative agreement,”
18 after “subcontract,”.

19 (d) Section 112 of title I of section 101(b) of division
20 A of Public Law 105–277 (112 Stat. 2681–67) is amend-
21 ed by striking “fiscal year” and all that follows through
22 “Justice—”, and inserting “any fiscal year the Attorney
23 General—”.

24 (e) Section 2320(f) of title 18, United States Code,
25 is amended—

1 (1) by striking “title 18” each place it appears
2 and inserting “this title”; and

3 (2) by redesignating paragraphs (1) through
4 (4) as subparagraphs (A) through (D), respectively;

5 (3) by inserting “(1)” after “(f)”; and

6 (4) by adding at the end the following:

7 “(2) The report under paragraph (1), with respect
8 to criminal infringement of copyright, shall include the fol-
9 lowing:

10 “(A) The number of infringement cases involv-
11 ing specific types of works, such as audiovisual
12 works, sound recordings, business software, video
13 games, books, and other types of works.

14 “(B) The number of infringement cases involv-
15 ing an online element.

16 “(C) The number and dollar amounts of fines
17 assessed in specific categories of dollar amounts,
18 such as up to \$500, from \$500 to \$1,000, from
19 \$1,000 to \$5,000, from \$5,000 to \$10,000, and cat-
20 egories above \$10,000.

21 “(D) The amount of restitution awarded.

22 “(E) Whether the sentences imposed were
23 served.”.

1 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**
 2 **ATTORNEY GENERAL.**

3 Section 535 of title 28, United States Code, is
 4 amended in subsections (a) and (b), by replacing “title
 5 18” with “Federal criminal law”, and in subsection (b),
 6 by replacing “or complaint” with “matter, or complaint
 7 witnessed, discovered, or”, and by inserting “or the wit-
 8 ness, discoverer, or recipient, as appropriate,” after
 9 “agency,”.

10 **SEC. 208. COUNTERTERRORISM FUND.**

11 (a) ESTABLISHMENT; AVAILABILITY.—There is here-
 12 by established in the Treasury of the United States a sepa-
 13 rate fund to be known as the “Counterterrorism Fund”,
 14 amounts in which shall remain available without fiscal
 15 year limitation—

16 (1) to reimburse any Department of Justice
 17 component for any costs incurred in connection
 18 with—

19 (A) reestablishing the operational capa-
 20 bility of an office or facility that has been dam-
 21 aged or destroyed as the result of any domestic
 22 or international terrorism incident;

23 (B) providing support to counter, inves-
 24 tigate, or prosecute domestic or international
 25 terrorism, including, without limitation, paying
 26 rewards in connection with these activities; and

1 (C) conducting terrorism threat assess-
 2 ments of Federal agencies and their facilities;
 3 and

4 (2) to reimburse any department or agency of
 5 the Federal Government for any costs incurred in
 6 connection with detaining in foreign countries indi-
 7 viduals accused of acts of terrorism that violate the
 8 laws of the United States.

9 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—The
 10 amendment made by subsection (a) shall not affect the
 11 amount or availability of any appropriation to the
 12 Counterterrorism Fund made before the date of enact-
 13 ment of this Act.

14 **SEC. 209. STRENGTHENING LAW ENFORCEMENT IN UNITED**
 15 **STATES TERRITORIES, COMMONWEALTHS,**
 16 **AND POSSESSIONS.**

17 (a) EXTENDED ASSIGNMENT INCENTIVE.—Chapter
 18 57 of title 5, United States Code, is amended—

19 (1) in subchapter IV, by inserting at the end
 20 the following:

21 **“§ 5757. Extended assignment incentive**

22 “(a) The head of an Executive agency may pay an
 23 extended assignment incentive to an employee if—

24 “(1) the employee has completed at least 2
 25 years of continuous service in 1 or more civil service

1 positions located in a territory or possession of the
2 United States, the Commonwealth of Puerto Rico, or
3 the Commonwealth of the Northern Mariana Is-
4 lands;

5 “(2) the agency determines that replacing the
6 employee with another employee possessing the re-
7 quired qualifications and experience would be dif-
8 ficult; and

9 “(3) the agency determines it is in the best in-
10 terest of the Government to encourage the employee
11 to complete a specified additional period of employ-
12 ment with the agency in the territory or possession,
13 the Commonwealth of Puerto Rico or Common-
14 wealth of the Northern Mariana Islands, except that
15 the total amount of service performed in a particular
16 territory, commonwealth, or possession under 1 or
17 more agreements established under this section may
18 not exceed 5 years.

19 “(b) The sum of extended assignment incentive pay-
20 ments for a service period may not exceed the greater of—

21 “(1) an amount equal to 25 percent of the an-
22 nual rate of basic pay of the employee at the begin-
23 ning of the service period, times the number of years
24 in the service period; or

25 “(2) \$15,000 per year in the service period.

1 “(c)(1) Payment of an extended assignment incentive
2 shall be contingent upon the employee entering into a writ-
3 ten agreement with the agency specifying the period of
4 service and other terms and conditions under which the
5 extended assignment incentive is payable.

6 “(2) The agreement shall set forth the method of
7 payment, including any use of an initial lump-sum pay-
8 ment, installment payments, or a final lump-sum payment
9 upon completion of the entire period of service.

10 “(3) The agreement shall describe the conditions
11 under which the extended assignment incentive may be
12 canceled prior to the completion of agreed-upon service pe-
13 riod and the effect of the cancellation. The agreement
14 shall require that if, at the time of cancellation of the in-
15 centive, the employee has received incentive payments
16 which exceed the amount which bears the same relation-
17 ship to the total amount to be paid under the agreement
18 as the completed service period bears to the agreed-upon
19 service period, the employee shall repay that excess
20 amount, at a minimum, except that an employee who is
21 involuntarily reassigned to a position stationed outside the
22 territory, commonwealth, or possession or involuntarily
23 separated (not for cause on charges of misconduct, delin-
24 quency, or inefficiency) may not be required to repay any
25 excess amounts.

1 “(d) An agency may not put an extended assignment
 2 incentive into effect during a period in which the employee
 3 is fulfilling a recruitment or relocation bonus service
 4 agreement under section 5753 or for which an employee
 5 is receiving a retention allowance under section 5754.

6 “(e) Extended assignment incentive payments may
 7 not be considered part of the basic pay of an employee.

8 “(f) The Office of Personnel Management may pre-
 9 scribe regulations for the administration of this section,
 10 including regulations on an employee’s entitlement to re-
 11 tain or receive incentive payments when an agreement is
 12 canceled. Neither this section nor implementing regula-
 13 tions may impair any agency’s independent authority to
 14 administratively determine compensation for a class of its
 15 employees.”; and

16 (2) in the analysis by adding at the end the fol-
 17 lowing:

“5757. Extended assignment incentive.”.

18 (b) CONFORMING AMENDMENT.—Section
 19 5307(a)(2)(B) of title 5, United States Code, is amended
 20 by striking “or 5755” and inserting “5755, or 5757”.

21 (c) EFFECTIVE DATE.—The amendments made by
 22 this section shall take effect on the first day of the first
 23 applicable pay period beginning on or after 6 months after
 24 the date of enactment of this Act.

1 (d) REPORT.—No later than 3 years after the effective date of this section, the Office of Personnel Management, after consultation with affected agencies, shall submit a report to Congress assessing the effectiveness of the extended assignment incentive authority as a human resources management tool and making recommendations for any changes necessary to improve the effectiveness of the incentive authority. Each agency shall maintain such records and report such information, including the number and size of incentive offers made and accepted or declined by geographic location and occupation, in such format and at such times as the Office of Personnel Management may prescribe, for use in preparing the report.

14 **SEC. 210. ADDITIONAL AUTHORITIES OF THE ATTORNEY**
 15 **GENERAL.**

16 (a) FBI DANGER PAY.—Section 151 of the Foreign Relations Act, fiscal years 1990 and 1991 (5 U.S.C. 5928 note) is amended by inserting “or Federal Bureau of Investigation” after “Drug Enforcement Administration”.

20 (b) FOREIGN REIMBURSEMENTS.—For fiscal year 2002 and thereafter, whenever the Federal Bureau of Investigation participates in a cooperative project to improve law enforcement or national security operations or services with a friendly foreign country on a cost-sharing basis, any reimbursements or contributions received from that

1 foreign country to meet its share of the project may be
2 credited to appropriate current appropriations accounts of
3 the Federal Bureau of Investigation. The amount of a re-
4 imbursement or contribution credited shall be available
5 only for payment of the share of the project expenses allo-
6 cated to the participating foreign country.

7 (c) RAILROAD POLICE TRAINING FEES.—For fiscal
8 year 2002 and thereafter, the Attorney General is author-
9 ized to establish and collect a fee to defray the costs of
10 railroad police officers participating in a Federal Bureau
11 of Investigation law enforcement training program author-
12 ized by Public Law 106–110, and to credit such fees to
13 the appropriation account “Federal Bureau of Investiga-
14 tion, Salaries and Expenses”, to be available until ex-
15 pended for salaries and expenses incurred in providing
16 such services.

17 (d) WARRANTY WORK.—In instances where the At-
18 torney General determines that law enforcement-, secu-
19 rity-, or mission-related considerations mitigate against
20 obtaining maintenance or repair services from private sec-
21 tor entities for equipment under warranty, the Attorney
22 General is authorized to seek reimbursement from such
23 entities for warranty work performed at Department of
24 Justice facilities, and to credit any payment made for such
25 work to any appropriation charged therefor.

1 **TITLE III—MISCELLANEOUS**

2 **SEC. 301. REPEALERS.**

3 (a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
 4 TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—
 5 Chapter 319 of title 18, United States Code, is amended
 6 by striking section 4353.

7 (b) OPEN-ENDED AUTHORIZATION OF APPROPRIA-
 8 TIONS FOR UNITED STATES MARSHALS SERVICE.—Sec-
 9 tion 561 of title 28, United States Code, is amended by
 10 striking subsection (i).

11 **SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE** 12 **UNITED STATES CODE.**

13 Title 18 of the United States Code is amended—

14 (1) in section 4041 by striking “at a salary of
 15 \$10,000 a year”;

16 (2) in section 4013—

17 (A) in subsection (a)—

18 (i) by replacing “the support of
 19 United States prisoners” with “Federal
 20 prisoner detention”;

21 (ii) in paragraph (2) by adding “and”
 22 after “hire;”;

23 (iii) in paragraph (3) by replacing
 24 “entities; and” with “entities.”; and

1 (iv) in paragraph (4) by inserting
2 “The Attorney General, in support of Fed-
3 eral prisoner detainees in non-Federal in-
4 stitutions, is authorized to make payments,
5 from funds appropriated for State and
6 local law enforcement assistance, for” be-
7 fore “entering”; and

8 (B) by redesignating—

9 (i) subsections (b) and (c) as sub-
10 sections (c) and (d); and

11 (ii) paragraph (a)(4) as subsection
12 (b), and subparagraphs (A), (B), and (C),
13 of such paragraph (a)(4) as paragraphs
14 (1), (2), and (3) of such subsection (b);
15 and

16 (3) in section 209(a)—

17 (A) by striking “or makes” and inserting
18 “makes”; and

19 (B) by striking “supplements the salary of,
20 any” and inserting “supplements, the salary of
21 any”.

1 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**
2 **IZATION OF APPROPRIATIONS FOR THE DE-**
3 **PARTMENT OF JUSTICE FOR FISCAL YEAR**
4 **2003.**

5 When the President submits to the Congress the
6 budget of the United States Government for fiscal year
7 2003, the President shall simultaneously submit to the
8 Committee on the Judiciary of the House of Representa-
9 tives and the Committee on the Judiciary of the Senate
10 such proposed legislation authorizing appropriations for
11 the Department of Justice for fiscal year 2003 as the
12 President may judge necessary and expedient.

13 **SEC. 304. STUDY OF UNTESTED RAPE EXAMINATION KITS.**

14 The Attorney General shall conduct a study to assess
15 and report to Congress the number of untested rape exam-
16 ination kits that currently exist nationwide and shall sub-
17 mit to the Congress a report containing a summary of the
18 results of such study. For the purpose of carrying out such
19 study, the Attorney General shall attempt to collect infor-
20 mation from all law enforcement jurisdictions in the
21 United States.

22 **SEC. 305. REPORT ON DCS 1000 ("CARNIVORE").**

23 Not later than 30 days after the end of fiscal years
24 2001 and 2002, the Attorney General and the Director
25 of the Federal Bureau of Investigation shall provide to the

1 Committees on the Judiciary of the House of Representa-
2 tives and the Senate a report detailing—

3 (1) the number of orders or extensions applied
4 for to authorize the use of DCS 1000 (or any simi-
5 lar system or device);

6 (2) the fact that the order or extension was
7 granted as applied for, was modified, or was denied;

8 (3) the kind of order applied for and the spe-
9 cific statutory authority relied on to use DCS 1000
10 (or any similar system or device);

11 (4) the court that authorized each use of DCS
12 1000 (or any similar system or device);

13 (5) the period of interceptions authorized by the
14 order, and the number and duration of any exten-
15 sions of the order;

16 (6) the offense specified in the order or applica-
17 tion, or extension of an order;

18 (7) the Department of Justice official or offi-
19 cials who approved each use of DCS 1000 (or any
20 similar system or device);

21 (8) the criteria used by the Department of Jus-
22 tice officials to review requests to use DCS 1000 (or
23 any similar system or device);

1 (9) a complete description of the process used
2 to submit, review, and approve requests to use DCS
3 1000 (or any similar system or device); and

4 (10) any information intercepted that was not
5 authorized by the court to be intercepted.

6 **SEC. 306. STUDY OF ALLOCATION OF LITIGATING ATTOR-**
7 **NEYS.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act, the Attorney General shall submit a re-
10 port to the chairman and ranking minority member of the
11 Committees on the Judiciary of the House of Representa-
12 tives and Committee on the Judiciary of the Senate, de-
13 tailing the distribution or allocation of appropriated funds,
14 attorneys and other personnel, per-attorney workloads,
15 and number of cases opened and closed, for each Office
16 of United States Attorney and each division of the Depart-
17 ment of Justice except the Justice Management Division.

18 **SEC. 307. USE OF TRUTH-IN-SENTENCING AND VIOLENT OF-**
19 **FENDER INCARCERATION GRANTS.**

20 Section 20105(b) of the Violent Crime Control and
21 Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is
22 amended to read as follows:

23 “(b) USE OF TRUTH-IN-SENTENCING AND VIOLENT
24 OFFENDER INCARCERATION GRANTS.—Funds provided

1 under section 20103 or 20104 may be applied to the cost
2 of—

3 “(1) altering existing correctional facilities to
4 provide separate facilities for juveniles under the ju-
5 risdiction of an adult criminal court who are de-
6 tained or are serving sentences in adult prisons or
7 jails;

8 “(2) providing correctional staff who are re-
9 sponsible for supervising juveniles who are detained
10 or serving sentences under the jurisdiction of an
11 adult criminal court with orientation and ongoing
12 training regarding the unique needs of such offend-
13 ers; and

14 “(3) providing ombudsmen to monitor the
15 treatment of juveniles who are detained or serving
16 sentences under the jurisdiction of an adult criminal
17 court in adult facilities, consistent with guidelines
18 issued by the Assistant Attorney General.”.

19 **SEC. 308. AUTHORITY OF THE DEPARTMENT OF JUSTICE**
20 **INSPECTOR GENERAL.**

21 Section 8E of the Inspector General Act of 1978 (5
22 U.S.C. App) is amended—

23 (1) in subsection (b), by striking paragraphs
24 (2) and (3) and inserting the following:

1 “(2) except as specified in subsection (a) and
2 paragraph (3), may investigate allegations of criminal
3 wrongdoing or administrative misconduct by an
4 employee of the Department of Justice, or may, in
5 the Inspector General’s discretion, refer such allegations
6 to the Office of Professional Responsibility or
7 the internal affairs office of the appropriate component
8 of the Department of Justice; and

9 “(3) shall refer to the Counsel, Office of Professional
10 Responsibility of the Department of Justice,
11 allegations of misconduct involving Department attorneys,
12 investigators or law enforcement personnel,
13 where the allegations relate to the exercise of an attorney’s
14 authority to investigate, litigate, or provide
15 legal advice, except that no such referral shall be
16 made if the attorney is employed in the Office of
17 Professional Responsibility.”; and

18 (2) by inserting at the end the following:

19 “(d) The Attorney General shall insure by regulation
20 that any component of the Department of Justice receiving
21 a nonfrivolous allegation of criminal wrongdoing or administrative
22 misconduct by an employee of the Department shall report such
23 information to the Inspector General.”.

1 **SEC. 309. REPORT ON INSPECTOR GENERAL AND DEPUTY**
2 **INSPECTOR GENERAL FOR FEDERAL BUREAU**
3 **OF INVESTIGATION.**

4 Not later than 90 days after the date of enactment
5 of this Act, the Attorney General shall submit a report
6 and recommendation to the chairman and ranking mem-
7 ber of the Committee on the Judiciary of the Senate and
8 the Committee of the Judiciary on the House of Rep-
9 resentatives concerning—

10 (1) whether there should be established, within
11 the Department of Justice, a separate Office of the
12 Inspector General for the Federal Bureau of Inves-
13 tigation that shall be responsible for supervising
14 independent oversight of programs and operations of
15 the Federal Bureau of Investigation; and

16 (2) whether there should be established, within
17 the Office of the Inspector General for the Depart-
18 ment of Justice, an Office of Deputy Inspector Gen-
19 eral for the Federal Bureau of Investigation that
20 shall be responsible for supervising independent
21 oversight of programs and operations of the Federal
22 Bureau of Investigation.

1 **TITLE IV—VIOLENCE AGAINST**
2 **WOMEN**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Violence Against
5 Women Office Act”.

6 **SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN**
7 **OFFICE.**

8 Part T of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is
10 amended—

11 (1) in section 2002(d)(3)—

12 (A) by striking “section 2005” and insert-
13 ing “section 2009”; and

14 (B) by striking “section 2006” and insert-
15 ing “section 2010”;

16 (2) by redesignating sections 2002 through
17 2006 as sections 2006 through 2010, respectively;
18 and

19 (3) by inserting after section 2001 the fol-
20 lowing:

21 **“SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST**
22 **WOMEN OFFICE.**

23 “(a) OFFICE.—There is hereby established within the
24 Department of Justice, under the general authority of the

1 Attorney General, a Violence Against Women Office (in
2 this title referred to as the ‘Office’).

3 “(b) DIRECTOR.—The Office shall be headed by a Di-
4 rector (in this title referred to as the ‘Director’), who shall
5 be appointed by the President, by and with the advice and
6 consent of the Senate. The Director shall report to the
7 Attorney General through the Assistant Attorney General,
8 and shall make reports to the Deputy Attorney General
9 as the Director deems necessary to fulfill the mission of
10 the Office. The Director shall have final authority for all
11 grants, cooperative agreements, and contracts awarded by
12 the Office. The Director shall not engage in any employ-
13 ment other than that of serving as the Director, nor shall
14 the Director hold any office in, or act in any capacity for,
15 any organization, agency, or institution with which the Of-
16 fice makes any contract or other arrangement under this
17 title.

18 **“SEC. 2003. DUTIES AND FUNCTIONS OF DIRECTOR OF VIO-**
19 **LENCE AGAINST WOMEN OFFICE.**

20 “(a) IN GENERAL.—The Director shall have the fol-
21 lowing duties:

22 “(1) Serving as special counsel to the Attorney
23 General on the subject of violence against women.

1 “(2) Maintaining liaison with the judicial
2 branches of the Federal and State Governments on
3 matters relating to violence against women.

4 “(3) Providing information to the President,
5 the Congress, the judiciary, State and local govern-
6 ments, and the general public on matters relating to
7 violence against women.

8 “(4) Serving, at the request of the Attorney
9 General or Assistant Attorney General, as the rep-
10 resentative of the Department of Justice on domes-
11 tic task forces, committees, or commissions address-
12 ing policy or issues relating to violence against
13 women.

14 “(5) Serving, at the request of the President,
15 acting through the Attorney General, as the rep-
16 resentative of the United States Government on
17 human rights and economic justice matters related
18 to violence against women in international forums,
19 including, but not limited to, the United Nations.

20 “(6) Carrying out the functions of the Depart-
21 ment of Justice under the Violence Against Women
22 Act of 1994 (title IV of Public Law 103–322) and
23 the amendments made by that Act, and other func-
24 tions of the Department of Justice on matters relat-

1 ing to violence against women, including with re-
2 spect to those functions—

3 “(A) the development of policy, protocols,
4 and guidelines;

5 “(B) the development and management of
6 grant programs and other programs, and the
7 provision of technical assistance under such
8 programs; and

9 “(C) the award and termination of grants,
10 cooperative agreements, and contracts.

11 “(7) Providing technical assistance, coordina-
12 tion, and support to—

13 “(A) other elements of the Department of
14 Justice, in efforts to develop policy and to en-
15 force Federal laws relating to violence against
16 women, including the litigation of civil and
17 criminal actions relating to enforcing such laws;

18 “(B) other Federal, State, and tribal agen-
19 cies, in efforts to develop policy, provide tech-
20 nical assistance, and improve coordination
21 among agencies carrying out efforts to elimi-
22 nate violence against women, including Indian
23 or indigenous women; and

1 “(C) grantees, in efforts to combat violence
2 against women and to provide support and as-
3 sistance to victims of such violence.

4 “(8) Exercising such other powers and func-
5 tions as may be vested in the Director pursuant to
6 this title or by delegation of the Attorney General or
7 Assistant Attorney General.

8 “(9) Establishing such rules, regulations, guide-
9 lines, and procedures as are necessary to carry out
10 any function of the Office.

11 **“SEC. 2004. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.**

12 “The Attorney General shall ensure that the Director
13 has adequate staff to support the Director in carrying out
14 the Director’s responsibilities under this title.

15 **“SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated such sums
17 as are necessary to carry out this title.”.

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